

Appendix E

Table of Contents

Frequently Asked Questions (FAQs) for Local Public Agencies – Federally Funded Programs

- General
 - Federal Highway Administration
 - Funding
 - Civil Rights/Compliance Programs
 - Disadvantaged Business Enterprise (DBE)/Small Business Element (SBE) Programs
 - Americans with Disabilities Act (ADA)
 - Responsible Charge
- Stage 0 – Feasibility / Planning
 - Agreements
 - Scope Changes
 - Consultant Selection
- Stage 1 – Environmental
- Stage 2 – Funding / Project Prioritization
- Stage 3 – Final Design Process
 - Plan Development
 - Permits
 - Right-of-Way
 - Utilities
- Stage 4 – Letting
- Stage 5 – Construction
 - Construction Coordination
 - Change Orders
 - Reimbursement
 - Paperwork

FAQs for Local Public Agencies Capital Outlay Programs (Port Priority and Statewide Flood Control Programs)*

*Note: These questions and answers are provided to identify any deviation in procedures for the Capital Outlay Programs (Port Priority and Statewide Flood Control Programs) from the procedures for the FHWA funded programs. If no FAQ is found in this section, assume the FAQs for FHWA funded program applies.

- General
 - Funding
 - Disadvantaged Business Enterprise (DBE)/Small Business Element (SBE) Programs
- Stage 0 – Feasibility/Planning
 - Agreements
 - Scope Changes
 - Consultant Selection
- Stage 1 – Environmental
- Stage 3 – Final Design Process
 - Plan Development
 - Permits
 - Right-of-Way
 - Utilities
- Stage 4 – Letting
- Stage 5 - Construction
 - Construction Coordination
 - Change Orders
 - Reimbursement
 - Paperwork

LPA Manual
FAQs for Local Public Agencies

Frequently Asked Questions (FAQ's) for Sponsoring Entities

GENERAL

WHAT IS THE FEDERAL HIGHWAY ADMINISTRATION?

The Federal Highway Administration (FHWA) is a branch of the U.S. Department of Transportation. The FHWA is charged with the administration of the Federal-Aid Highway Program. In cooperation with the states, it administers the financial aid given to the states for highway projects from the National Transportation Trust Fund. The FHWA Louisiana Division Office partners with the DOTD to administer these funds.

WHAT IS THE FEDERAL AID HIGHWAY PROGRAM?

The Federal Aid Highway Program provides federal financial resources and technical assistance to State and local governments for constructing, preserving, and improving the National Highway System, a 163,000+ (163,752 actual)-mile network of roads, comprising only 4 percent of the nation's total road mileage but carrying approximately 45 percent of the nation's highway traffic. The program also provides resources for one million additional miles of urban and rural roads that are not on the National Highway System but are eligible for Federal-aid.

LPA Manual
FAQs for Local Public Agencies
(FHWA Funded Programs)

Note: The procedures for many of the programs described herein funded through the Federal Aid Highway Program are applicable to any public road.

Funding*

(*This section not applicable to the Off-System Bridge Replacement Program or any project where DOTD manages the contract)

WHAT ARE FHWA FUNDS?

Federal-aid funds from FHWA are cost reimbursable funds provided to the DOTD by the FHWA that pass through DOTD to the LPA. LPA are always sub-recipients for FHWA Federal-aid funds. FHWA notifies the state that an amount of Federal funds is available to be obligated or set aside for project expenses in various program areas. All FHWA programs are reimbursement programs - not grant programs. The use of Federal funding generally requires a match or **LPA** contribution. All sources of Federal-aid funds are subject to Federal requirements.

WHAT IS FEDERAL AUTHORIZATION AND WHY IS IT IMPORTANT?

Federal authorization is FHWA's official approval of the project. It establishes and obligates funding for the project in the Federal Financial System. Any work performed prior receiving Federal Authorization for a project CANNOT be reimbursed and can jeopardize the eligibility for reimbursement for the whole project. Prior to beginning reimbursable work, the LPA **must** obtain written approval from DOTD to begin work.

ONCE DOTD HAS OBTAINED FEDERAL AUTHORIZATION, DOTD WILL SEND WRITTEN NOTIFICATION INFORMING THE LPA THAT THEY CAN ISSUE A NOTICE TO PROCEED DATE TO THEIR CONTRACTOR.

Project authorization is obtained by DOTD through a Stewardship Agreement between FHWA and DOTD. The agreement delegates the oversight and review responsibilities for locally administered Federal-aid projects to DOTD. This means DOTD has the responsibility to ensure the project is implemented in accordance with all the applicable Federal and State rules and regulations.

WHAT IS THE FLOW OF FEDERAL AID FUNDS?

Federal Transportation Funds are administered by FHWA. (They authorize the funds to the State DOTD.) DOTD is responsible for ensuring all Federal and State laws and regulations are followed. DOTD is always the direct recipient of the funds. The sub-recipients (LPAs) answer to DOTD for ensuring that all Federal and State laws and regulations are followed.

HOW DOES AN LPA KNOW HOW MUCH FEDERAL FUNDING THEY WILL RECEIVE?

The percent of Federal Funds allocated towards a project is identified in the funding table in the Entity-State Agreement. The funding table identifies the phase of work and the percent expected to be provided by the LPA for that phase.

The funding for projects in the Urban System >200K and <200K Programs which are located in Metropolitan Planning Organization (MPO) areas are limited to the amounts specified on the Transportation Implementation Program (TIP). In addition to the percent identified for the phases in the Entity-State Agreement, the projects in the smaller programs will have the actual dollar amounts sent to the sponsors in the Funding Commitment Letter. Any changes in funding will reflect an update from the Program Manager in this document.

WHAT CAN BE REIMBURSED?

An allowable expense can be reimbursed if Federal funds have been authorized and the expense is approved by DOTD

WHAT IS AN INDIRECT COSTS VS. A DIRECT COST?

Direct costs are activities or services that are identified with a single, final cost objective (project) or incurred specifically for a contract. An indirect cost is any cost not directly identified with a single, final cost objective (project), but identified with two or more final cost objectives or an intermediate cost objective.

CAN AN ENTITY RECEIVE INDIRECT COST?

Yes, as per 2 CFR 200. An Entity may receive incidental costs *if it has a financial tracking system that can track direct costs incurred by the project*. An entity that has never received a negotiated indirect cost rate may elect to charge a de minimis rate of 10% of modified total direct costs. If chosen, this methodology once elected must be used consistently for all Federal awards until such time as the Entity chooses to negotiate for a rate, which the Entity may apply to do at any time

WHEN ARE REIMBURSEMENTS RECEIVED?

These programs are cost reimbursable, pay-as-you-go programs. The money is not paid in an upfront lump sum check. When the project is selected, the money is not deposited into a spending account for the project. The money is set aside when a phase is authorized for the project. The project will not be sent to FHWA for construction authorization until the final bid documents have been approved by DOTD. If the project costs are less than the approved estimate, the money cannot be used for another project or to add work that is not in the scope/design documents approved for the project. In no case will money be set up until the project has been authorized by FHWA. **No reimbursable work can be started until notification in writing to proceed is received from DOTD.** If money is expended prior to the Notice to Proceed, these costs incurred and the cost for the phase will not be eligible for reimbursement. Questions should be directed to the DOTD Project Manager.

WHAT IF THE COST INCREASES?

There are Federal-aid programs where additional funds are not available beyond the approved project amount; examples include the Transportation Alternative Program (TAP), Safe Routes to School (SRTS) and the Local Roads Safety Program (LRSP). **The LPA will be responsible for any cost in excess of the approved maximum Federal Funds for these projects.**

If there is a legitimate cost increase for the project, the Program Manager may approve additional funds (**IF** funds are available for the increase). The Project Manager will request for FHWA to increase the funds for the appropriate phase of work. Work on the

project can continue while the increased Federal obligation request is being processed. The increase will be reflected in the Funding Commitment Letter. Any funding increase for projects within a MPO area must be approved by the MPO and reflected in the TIP.

WHAT HAPPENS IF THE LPA REQUIRES THE CONTRACTOR TO PERFORM ADDITIONAL WORK THAT IS NOT SPECIFIED IN THE CONTRACT?

Any work not specified in the contract that is authorized by the LPA without approval by the DOTD Project Manager may not be reimbursed. Reimbursable work **MUST** be approved by DOTD.

WHAT HAPPENS IF THE LPA DECIDES TO WITHDRAW A PROJECT?

If there is a decision to not complete a project, then the LPA shall reimburse all Federal expenditures, if any, to DOTD.

HOW MUCH FUNDING WILL BE RECEIVED?

The Federal funding for the project is set in the Entity-State Agreement according to Federal guidelines. The LPA should carefully control increases and overruns, as they may jeopardize completion of the entire project. If they decide to not complete a project, then they shall reimburse all Federal expenditures, if any, to DOTD.

The amount of *state only funds* are set in the Entity-State Agreement according to the state administrative code(s) procedures.

HOW MUCH AVAILABLE UP-FRONT MONEY IS NEEDED?

These are cost reimbursable programs. When the LPA is the contracting party to the consultant/contractor, the LPA is required to have enough money to pay the invoices as

LPA Manual
FAQs for Local Public Agencies
(FHWA Funded Programs)

per Louisiana law (within 30 days). Invoices are filed with DOTD on a monthly basis. LPAs should ensure that they have sufficient monies set aside to cover payments.

According to the Entity-State Agreement, the LPA will receive their reimbursement through the reimbursement or disbursement process. If the agreement specifies reimbursement, they will provide a copy of the cancelled check with their invoice to their Project Manager. DOTD will reimburse them the appropriate amount of Federal funds for the monthly invoice at the correct ratio of the costs of the authorized phase (preliminary engineering services, right-of-way acquisitions, utility adjustments and the costs of construction in effect at the time of authorization).

If the Agreement specifies the disbursement process, DOTD will pay the funds for the monthly invoice at the correct ratio of the costs of the authorized phase (preliminary engineering services, right-of-way acquisitions, utility adjustments, and the costs of construction in effect at the time of authorization) to the LPA. The LPA will submit an executed DOTD Cost Disbursement Certification to the DOTD Project Manager or Project Coordinator. The LPA is required to pay the invoiced cost to the consultant/contractor within state law (30 days). Within 60 days from receipt of payment from DOTD, proof of payment to the contractor must be provided to DOTD. The proof of payment to the *consultant* must be submitted with the *subsequent invoice*.

WHAT ARE NON-FEDERAL MATCHING REQUIREMENTS?

Cash match is required. Most programs are 80% Federal and 20% local match. The program managers should be consulted for applicability to their program

REAL-PROPERTY MATCH

Use of the Right-of-Way (ROW) as Federal match must be established and pre-approved in the feasibility stage and documented in the Entity-State Agreement. **The real property must be specifically acquired for the project and cannot be already owned public land. All Federal guidelines for acquisitions will apply. All ROW acquisition procedures and the associated documentation must be cleared by the DOTD Right-of-Way Section in accordance with the *LPA Right-of-Way Manual*.**

CASH-MATCH SOURCES

Some programs may have the cash match come from another source type including other Federal funding sources (exception - another USDOT sponsored funding source). Program Managers should be consulted on eligibility if the LPA is considering using one of these sources. The LPA will be responsible for ensuring that they meet the program guidelines for other Federal funding sources. DOTD in no way accepts responsibility for ensuring the rules are met for any federal program except for FHWA.

HOW DOES THE LPA GET PAID?

Monthly invoices are submitted to DOTD for reimbursement. The DOTD Project Manager for Engineering and/or DOTD Project Coordinator for construction must be provided with all the paperwork that is requested in the manner in which it is requested. They are the DOTD contact for getting reimbursement/disbursement.

REIMBURSEMENT

Engineering invoices should be submitted for payment monthly. The engineer/consultant submits their invoice to the LPA with supporting back-up documents. This invoice should include the following:

1. Invoice Summary Sheets
2. Back-up documents
3. Cost Records
4. Copy of the cancelled check (must show front and back of check)

The LPA prepares the invoice and submits it with the above information to the Project Manager. After review and approval, DOTD sends the percentage of the Federal funds designated in the Entity State Agreement for the invoice to the LPA.

DISBURSEMENT

Engineering invoices should be submitted for payment monthly. The engineer/consultant submits their invoice to the LPA with supporting back-up documents. This invoice should include the following:

1. Invoice Summary Sheets
2. Back-up documents

LPA Manual
FAQs for Local Public Agencies
(FHWA Funded Programs)

3. Cost Records
4. Cost Disbursement Certification
5. A copy of the cancelled check paying the previous invoice

The LPA prepares the invoice and submits it with the above information and a copy of the disbursement request to the project manager. After review and approval, DOTD sends the percentage of the Federal funds designated in the Entity-State Agreement for the invoice. Proof of payment to the consultant is required with the subsequent invoice.

Construction estimates are paid monthly through SiteManager. Back-up documents are transmitted by the DOTD Construction Coordinator to the DOTD Estimates Section in Baton Rouge. These usually consist of:

1. Invoices for advanced stockpile - if any.
2. Paid invoices of same stockpile in 30 days.

The **LPA is responsible for paying the contractor monthly**. They send a copy of the disbursement request to the DOTD Headquarters Estimate Section. (This can be faxed). The Construction Estimates Section will prepare the necessary paperwork for payment to the LPA by DOTD. (If a paper check is required, they will be sent twice a week. If electronic funds transfer (EFT) is used, then it appears in the LPA's account the next day after the Construction Estimates Section works the request.) The LPA does not have to prepare an invoice as required for engineering. The LPA **MUST** provide proof of payment to DOTD within 60 days to the contractor to receive further money

**WHAT HAPPENS IF THE LPA DOES NOT HAVE ALL THE
DOCUMENTATION?**

The LPA is responsible for supplying these records. If the required records are not supplied, DOTD will be required to withdraw funding for the project and request the reimbursement of any Federal funds expended on the project. **THIS DOCUMENTATION IS A REQUIREMENT, NOT AN OPTION.**

WHEN CAN A REIMBURSEMENT BE REQUESTED?

The LPA will be notified in writing when expenditures are authorized and can be incurred. **Actions (or work) taken prior to FHWA project authorization are not eligible for compensation.** This does not mean the portion of the action done before authorization is ineligible and the portion done after authorization is eligible. None of the action is eligible.

The project does not need to be complete before beginning to receive federal-aid reimbursement. Example: *An LPA has a project to construct a turn lane. It is estimated the design will cost \$200,000 and take one year to complete. Once Federal-aid funds are authorized, the Entity-State Agreement has been executed, and the LPA is given a notice expenditures can be incurred, the LPA may begin design. The LPA submits a copy of the invoice, required documentation, and the request for reimbursement of that cost to DOTD every 30 days. The process continues throughout the design phase. The consultant must document the work being done and keep the records on file and available for inspection according to Federal rules. Copies of some of the records may be necessary to accompany the requests for reimbursement.*

IS AN AUDIT REPORT REQUIRED?

A copy of the LPA's annual audit report of their financials should be submitted to their DOTD Program Manager, who will forward it to the DOTD Audit Section for review and tracking as per 2 CFR 200.

WHAT ABOUT PRESS RELEASES?

All press releases concerning any Federal-aid project must be cleared through the DOTD Project Manager assigned to the project and the DOTD Communications Director for accuracy and content. The release is required to identify the DOTD and the FHWA for their participation in the project in any news releases or other promotional material for the project.

WHAT IS RESPONSIBLE CHARGE?

In accordance with Federal Regulation 23 CFR 635.105 the Local Public Agency (LPA) must provide a full time employee of the LPA to be in “responsible charge” of the project. This person does not need to be an engineer. A consultant CANNOT be in responsible charge even when they have been retained by the LPA to manage the entity’s engineering activities, including design and construction engineering and inspection services. The Responsible Charge acts as the primary point of contact for the LPA on a project and must be involved and knowledgeable of the project scope, schedule and budget.

WHAT ARE THE EXPECTATIONS FOR THE LPA RESPONSIBLE PERSON IN CHARGE WHEN THE ENTITY HOLDS THE CONTRACT?

The LPA will provide the contact information of the person(s) they designate to be their Responsible Charge to the Project Manager. Please note that the regulation does not preclude the sharing of the duties and functions among a number of public agency employees or one employee having responsible charge of several projects. If these duties are shared during the design and construction of the project, ALL of the employees responsible for the project and their responsibilities must be identified. The DOTD Project Manager shall be notified if any changes are made to the assignments. As per the federal regulations the following duties are required of the Responsible Charge:

- This person acts as the primary point of contact for the Entity with the DOTD Project Manager
- Oversees project activities; cost, time adherence to contract requirements, design and construction quality and scope
- Ensures the contract is properly recorded in the appropriate courthouse
- Directs project staff, agency or consultant, to carry out project administration and contract oversight including proper documentation
- Is aware of the qualifications, assignments, and on-the-job performance of the agency and consultant staff at all stages of the project

LPA Manual
FAQs for Local Public Agencies
(FHWA Funded Programs)

- Makes or participates in decisions about changed conditions or scope changes that require change orders or supplemental agreements
- Reviews financial processes, transactions, and documentation to ensure that safeguards are in place to minimize fraud, waste and abuse
- Maintains familiarity of day-to-day project operations and safety issues
- Visits and reviews the project on a frequency that is proportionate with the magnitude and complexity of the project
- Attends all project related meetings regarding scope, schedule or budget. (It is understood that if the person in Responsible Charge is not in attendance, the meeting will be cancelled)

WHO IS RESPONSIBLE FOR ENSURING THE PROJECT IS ON SCHEDULE?

It is the Responsible Charge's duty to ensure their project is on schedule.

WHAT HAPPENS WHEN PROJECT DATES ARE NOT MET?

In accordance with 2 CFR 200, each project must have a reasonable beginning and ending date. If the date established for the project completion is not met, an extension must be requested for approval prior to the completion of work. If approval is not given for an extension, the work done past the end date is not eligible for reimbursement.

Disadvantage Business Enterprise (DBE) & Small Business Element (SBE) Programs

WHAT IS TITLE VI?

Title VI of the Civil Rights Act of 1964 (and other related laws and regulations) prohibits discrimination on the basis of race, color, national origin, sex (gender), age or disability. It applies to all programs and activities of an agency that receives any type of Federal financial assistance.

WHAT IS THE DBE PROGRAM?

It is the policy of the United States Department of Transportation (USDOT) that Disadvantaged Business Enterprises (DBEs) have an equal opportunity to participate in the performance of federally financed contracts or subcontracts. To achieve this goal, all projects are reviewed to ensure their contractors take steps to encourage DBEs to compete for construction contracts, procurement contracts, grants, services, financial aid, or other benefits.

In accordance with guidance provided by the FHWA, contracts executed by local agencies that have FHWA funds must be in compliance with the DOTD DBE Program.

The DOTD Compliance Programs can arrange for the Department's Equal Opportunity Office (EOO) to provide training to local agencies, as necessary.

WHAT IS A DBE GOAL?

A project goal is the monetary portion of a Federal-aid project which is determined to be reasonably met by contractors using certified DBEs.

HOW ARE DBE PROJECT GOALS ESTABLISHED FOR A PROJECT?

DOTD will review each project to determine if the work allows for DBE participation. The DOTD Goal Setting Committee considers the following criteria when setting a goal: (1) the dollar amount of the contract to make sure that it is large enough to allow efficient subcontracting, (2) the type of work on the project that can be subcontracted, and (3) the availability of DBE firms in the project area able to do the required work.

WHAT DOLLAR RANGE ARE DBE GOAL PROJECTS?

DBE goals are set on projects that are estimated to be \$500,000 and above.

WHO IS RESPONSIBLE FOR DBE MONITORING AFTER CONTRACT AWARD?

The LPA Project Engineer is responsible to monitor the DBE's performance to ensure the Commercially Useful Function (CUF) is performed on a construction project. If the monitoring is not adequately performed, the LPA is held responsible and will have money withheld.

WHAT IS A COMMERCIALLY USEFUL FUNCTION (CUF)?

The basic premise behind a CUF is that DBEs perform their contract with their own resources, independently of the prime contractor. To perform a CUF, the DBE must carry out its responsibilities by actually performing, managing, and supervising the work involved. Furthermore, The Federal Regulations 49CFR26.55 (c)(1) states that, ".....the DBE must also be responsible, with respect to materials and supplies used on the contract, for negotiating price, determining quality and quantity, ordering the materials, and installing (where applicable) and paying for the materials itself" (emphasis added).

WHO COMPLETES A CUF REVIEW FORM?

The CUF Review Form must be completed by the Project Engineer or Project Inspector on all Federal Aid projects by interviewing employee(s) of the DBE firm and the prime

contractor. A CUF form should be completed for each DBE working on Federal Projects, even if the project has no DBE goal or the DBE was not listed on the CS-6AAA. This means one (1) CUF per DBE, per project must be conducted. This is necessary to monitor goal credit for their participation. Once the CUF is completed, it must be scanned into Content Manager under Construction Project Files and the DOTD Compliance Office shall be notified.

WHERE IS ADDITIONAL DBE INFORMATION LOCATED?

Additional information on the [Disadvantaged Business Enterprise Program](#) can be found on the DOTD website and the [FHWA website](#)

WHAT IS THE SMALL BUSINESS ELEMENT PROGRAM (SBE)?

The SBE program is similar to the DBE program with the exception of ethnicity/race/gender (race-neutral). All components regarding goal projects are the same as the DBE program; how the projects are established, how they are tracked, and who is responsible for tracking and submitting the proper forms. If the goal is not met, monies can be held.

WHAT DOLLAR RANGE ARE SBE GOAL PROJECTS?

The goal projects are limited to projects chosen with values from \$250,000 to \$500,000.

WILL ANY PROJECTS OVER \$500,000 BE CONSIDERED AS SBE GOAL PROJECTS?

No, not at this time

**WHAT ARE THE DIFFERENCES BETWEEN DBE & SBE
REQUIREMENTS?**

**Disadvantaged Business Enterprise
(DBE)**

DBE

Must be a minority

Must be at least 51% owner and have control /knowledge of the firm

Must have less than 1.32 million Personal Net Worth

Must meet the Small Business Size Standards

Annual Affidavit must be completed each year

Unified Certification Program (UCP)

**Small Business Element
(SBE)**

SBE

Can be a minority or race-neutral (any ethnicity or gender)

Must be at least 51% owner and have control/knowledge of firm

Must have less than 1.32 million Personal Net Worth

Must meet Small Business Size Standards

Annual Affidavit must be completed each year if SBE only

SBE Program has separate Directory (not UCP)

**WILL THERE BE A DBE AND SBE GOAL ON THE SAME
PROJECT?**

No, it will be either a DBE goal or a SBE goal, it will never be both.

WHERE IS ADDITIONAL SBE INFORMATION LOCATED?

Additional information on the [Small Business Element Program](#) can be found on the DOTD website.

WHAT IS THE AMERICAN'S WITH DISABILITIES ACT (ADA)?

The Americans with Disabilities Act of 1990 (42 U.S.C. 12181) prohibits discrimination on the basis of disability by public accommodations and requires places of public accommodation and commercial facilities to be designed, constructed, and altered in compliance with the accessibility standards established by this part.

HOW DOES THE ADA APPLY TO SIDEWALKS?

Pedestrian facilities must be made accessible to persons with a disability. Where sidewalks are provided, they must be constructed so they are accessible to all potential users, including those with disabilities.

WHAT IS A TRANSITION PLAN?

The ADA law passed in 1990 required public entities with more than 50 total employees to develop a formal transition plan identifying the steps necessary to meet ADA accessibility requirements for all pedestrian access routes within their jurisdiction by upgrading all noncompliant features. Recognizing that it would be difficult to upgrade all facilities immediately, the law provided the opportunity to develop a transition plan for the implementation of these improvements. Any local public agency that is a recipient of US DOT funds must have a transition plan. For those agencies that have not completed a transition plan, it is critical that this process be completed.

WHAT ARE KEY ELEMENTS TO A TRANSITION PLAN?

1. Identifying physical obstacles in the public agency's facilities that limit the accessibility of its programs or activities to individuals with disabilities

2. A detailed description of the methods that will be used to make the facilities accessible
3. A schedule for taking the steps necessary to upgrade pedestrian access in each year following the transition plan
4. Identification of the individual responsible for implementation of the plan

WHAT TOOLS ARE AVAILABLE TO ASSIST AN LPA IN CREATING A TRANSITION PLAN?

The document: *ADA Transition Plans: A Guide to Best Management Practices* (NCHRP Project No. 20-7 (232)) provides guidance for the development and update of transition plans. The document also assists communities in prioritizing required improvements for accessibility. Public entities not required to have a formal transition plan are required to address noncompliant pedestrian access routes.

Stage 0

Feasibility / Planning

Agreements

WHAT IS AN ENTITY-STATE AGREEMENT?

An Entity-State Agreement is a legal agreement between the State and the LPA for a project. This agreement identifies the responsibilities of each entity in the Responsibility Table and identifies the funding responsibilities in the Funding Table.

WHO PREPARES THE AGREEMENT, AND WHEN?

DOTD will generate the Entity-State Agreement for the project prior to the initiation of any portion of the project that will require Federal reimbursement. **This legal document identifies each participant's responsibilities.**

Basic information required to write the Agreement is:

- State Project Number
- Federal Aid Project Number
- Project Title (40 characters including spaces maximum)
- Parish where project will be constructed
- **LPA's** legal name, DUNS number, Federal Identification Number, and Vendor Number (if known)
- The percent of Federal funding designated to each phase of the project
- The percent of local funding designated to each phase of the project
- District where project will be constructed
- A detailed project scope; type of improvement, location, type and description of work

LPA Manual
FAQs for Local Public Agencies
(FHWA Funded Programs)

- The responsible party for each phase of the project (including maintenance and liability responsibilities)

The LPA will be sent the agreement with a letter stating the legal requirements to which they must adhere for DOTD to process the document. This is a standard agreement used for LPA projects. LPAs are discouraged from requesting any changes to this document. Should changes be requested to the agreement before signing, the LPA should contact the DOTD Project Manager on the proper procedure. If the changes are acceptable with DOTD, revised agreements will be sent out to them for signature. Once signed, the LPA will follow the directions in the accompanying letter.

WHAT AMOUNT OF FEDERAL FUNDS CAN BE SPENT?

For LPAs outside of an MPO area, the Federal and local funds required for each phase of a project will be sent to the LPA in the Funding Commitment Letter. This letter is sent by the DOTD Project Manager to the LPA Responsible Charge.

The Funding Commitment letter is to be approved by the LPA's budget authority. The initial amounts will be set by the applications. If the funding amount changes, a revision will be made to this document and sent to Responsible Charge for processing

For LPAs within an MPO area, the Federal Funds will be limited by the MPO TIP.

CAN THE PROJECT SCOPE BE CHANGED?

Scope changes from the original detailed project description **are strongly discouraged** by DOTD. Changes in the design or scope of the project cannot be made without justification, the **written approval** of DOTD's Program Manager, the MPO (if applicable), and an adjustment to the project's Entity-State Agreement. Any proposed changes in the scope of the project must be discussed with the DOTD Program Manager as soon as possible after the decision is made to modify the project. Any changes in scope after environmental clearance has been obtained must be submitted to the Environmental Section for review. Changes in scope may require obtaining environmental clearance again. Changes without DOTD's approval will prevent the reimbursement of funding for the changed scope/items and could affect the eligibility of

the project for funding if the environmental and right-of-way requirements do not conform to the federal requirements for those additions.

WILL DOTD PERFORM DESIGN/CONSTRUCTION INSPECTION FOR THE LPA?

DOTD will inspect projects on state owned roads. It is typically the responsibility of LPA or their consultant to perform construction inspection services on locally owned projects. If the Entity requests DOTD to manage the contract for their route, the entity will be required to pay for the DOTD services and the required matching funds in advance of DOTD entering into a contract. The fee for DOTD's services is the current DOTD Indirect Cost (IDC) percentage at the time of the contract applied to the cost of the stage. For construction, in addition to the required matching funds and the DOTD IDC, the entity will be required to pay an additional 1.2 times this amount. This will be held in escrow for change orders and claims {(matching funds + DOTD services) X 1.2}. The CEI will either be inspected by DOTD or a consultant contract which will require the LPA to provide the up-front matching funds. (The OSBR projects are always either inspected by DOTD or a Construction Engineering and Inspection (CEI) consultant contract.)

HOW ARE CONSULTANTS CHOSEN?

100% LOCAL FUNDS - For projects that the LPA pays all design costs, the project design may start at anytime. The LPA may choose the consultants for the project and negotiate the consultant fees without DOTD or FHWA oversight. However, they are prohibited from selecting or approving any consultant or sub-consultant who is on DOTD's disqualification list or who has been debarred. The LPA is responsible for any contract costs attributable to the errors or omissions of their design consultants or sub-consultants.

FEDERALLY REIMBURSED PROJECTS - For projects that seek federal reimbursement for the design, ***NO WORK MAY BEGIN IF THE LPA EXPECTS REIMBURSEMENT UNTIL THEY ARE NOTIFIED IN WRITING BY DOTD THAT THEY MAY ISSUE A "NOTICE TO PROCEED."*** The DOTD Consultant Contract Services Section will solicit and advertise for the consultant according to the Department's

consultant selection procedure. The consultant evaluations committee will narrow the choice to three qualified firms. The LPA will be notified of the three firms and can send their non-binding recommendation to the DOTD Secretary. **The DOTD Secretary ultimately selects the consultant.** The contract is then prepared by the DOTD Consultant Contract Services Section. The contract is executed between the LPA and the consultant. **Exception:** The OSBR Program and any project that DOTD holds the contract utilizes the DOTD Consultant Selection Process for all of the contracts.

Note: It is recommended that the Design and Construction Inspection consultants are not the same firm.

WHAT IS THE BROOKS ACT?

The Brooks Act (also known as Qualifications Based Selection (QBS)) establishes the procurement process by which architects and engineers (A/Es) are selected for design contracts using federal funds. It requires agencies to promote open competition by advertising, ranking, selecting, and negotiating contracts based on demonstrated competence and qualifications for the type of engineering and design services being procured, and at a fair and reasonable price. The contracts for A/Es are negotiated on the basis of demonstrated competence and qualification for the type of professional services required at a fair and reasonable price.

WHY IS INCLUDING A TRANSPORTATION COMPONENT IN A LONG RANGE PLAN IMPORTANT?

A long range comprehensive plan is shared community vision, goals and objectives that provide a policy “blueprint” for 15-20 years in the future. It facilitates coordination between government and private programs. It includes and links the elements of land use, economic development, public infrastructure/utilities, housing and human services, parks and open spaces, historic environment and coastal resources, community facilities with transportation needs.

Having a long range comprehensive plan, will facilitate the success of receiving a Federally Funded project through DOTD.

HOW CAN AN LPA INVEST IN THEIR TRANSPORTATION INFRASTRUCTURE?

Develop a plan. Protect the local infrastructure (i.e. weight enforcement). Improve the local roads. Build new roads to develop a grid and connect existing roads. Consider transit regarding workforce development and serving the elderly in the planning process. Consider walking and biking needs. Consider other forms of transportation (i.e. ports, airports, railroads).

WHAT IS A COMPLETE STREETS FORM?

This form is required for all projects. It documents that all components of the Complete Streets Policy were considered and why any components were not incorporated into the project.

WHAT IS EXPECTED IN STAGE 0 REGARDING ALTERNATIVES?

Stage 0 only addresses feasibility of a range of alternatives for the project. Any recommendations regarding preferred alternatives **MUST** be evaluated and selected in the environmental National Environmental Policy Act (NEPA) process.

WHEN MAY THE DESIGN START?

If there are no federal reimbursable funds in the design, the design may begin at any time. **If reimbursement is expected, no work should begin prior to written notification from DOTD.**

WHO SHOULD ATTEND THE PROJECT KICKOFF MEETING?

The Responsible Charge and the DOTD Project Manager attend the Project Kickoff meeting. The Project Manager and the Responsible Charge meet and formulate a plan

LPA Manual
FAQs for Local Public Agencies
(FHWA Funded Programs)

of action to succinctly get the project to letting. They will discuss the scope of services, schedule, budget and expectations that would be required for selecting a consultant for DOTD plan development. They will discuss the size of the required plans (full sized v. letter sized), the requirements for survey and other plan development related issues.

Stage 1

ENVIRONMENTAL

WHAT IS ENVIRONMENTAL APPROVAL?

Environmental Approval refers to the completion of the environmental process required by the National Environmental Protection Act (NEPA) and its related regulations. NEPA requires federal agencies to evaluate the effects of their actions on both the natural and human environments. This process is often referred to as the NEPA process. The required evaluation and resulting decision as to the course of action are documented. Once the final document is approved by the lead federal agency, the project is “environmentally approved.” This approval allows the project to be advanced into future stages of the project delivery process. Examples of federal actions most commonly encountered at DOTD that trigger NEPA evaluation are federal funding, federal permitting and federal approvals. Keep in mind that this approval can become “stale” (out of date) if the project does not advance timely or if the basis for the decision changes.

Depending on the project, the action, and the federal agency, the LPA may be required to perform all or a portion of the work and provide documentation to fulfill NEPA requirements. Refer to the [Stage 1 Manual of Practice](#). For FHWA projects, DOTD shares responsibility with FHWA to oversee the process and ensures it is completed correctly. For other federal agencies, the individual circumstances of the project will dictate. Hence, it is important that coordination with DOTD is prior to beginning Stage 1 (the NEPA process) to clarify the roles and responsibilities of all parties involved. **If the NEPA process is bypassed or done incorrectly, Federal funding, approvals or permitting for the project could be jeopardized in the future.**

For this procedure (and for all questions relating to environmental process), contact the Program Manager to obtain a contact for the DOTD Environmental Section.

Stage 2

FUNDING

PROJECT PRIORITIZATION

DOTD receives specified funding obligation authority (budget authority) from FHWA each year. The obligation authority restricts the amount of federal assistance allowed during a specific time period. DOTD will annually schedule enough projects to spend all of the funds available.

LPA programs at DOTD are allowed (budgeted) a specified amount of funding to be spent each federal fiscal year. Work should be coordinated with the Program Manager to develop an accurate project schedule to ensure the project is ready to be bid for construction in the planned year. If the agreed upon schedule is missed, detailed justification will be required to send to FHWA to request an extension and funding will not be lost. The project will have to be worked into the Program Manager's future funding schedule.

If the LPA project is scheduled and misses its planned fiscal year, it will be replaced with another project to ensure DOTD uses all of the allotted money that fiscal year. The project will be scheduled into a future fiscal year that has available funding obligation (budget) authority.

Stage 3

FINAL DESIGN PROCESS

WHAT IS THE ROLE OF THE DOTD PROJECT MANAGER?

The role of the Project Manager is to be the DOTD point of contact for a specific project and to facilitate the LPA project through the DOTD process reviews for letting to construction.

WHAT IS THE ROLE OF THE DOTD PROGRAM MANAGER?

The Program Manager is responsible for meeting overall goals of the program and its final delivery in each fiscal year. The Program Manager ensures projects are delivered when due so that projects are effectively distributed throughout the year as planned.

WHAT IS THE PROJECT DELIVERY PROCESS?

Depending on the complexity of the project, some projects may require more submittals than just preliminary plans, plan-in-hand prints, advanced check prints, and final plans. Intermediate plans (partials) may be necessary; the DOTD Project Manager will determine what submittals will be necessary. Consultants should be registered with DOTD on ProjectWise. Contact the DOTD Project Manager to receive registration procedures.

WHAT DESIGN STANDARDS SHOULD BE USED?

All designs and engineering documents shall be prepared in accordance with the latest editions, supplements, and revisions of the following DOTD manuals (not inclusive), when applicable.

- *AASHTO Standards, ASTM Standards for DOTD Test Procedures*

LPA Manual
FAQs for Local Public Agencies
(FHWA Funded Programs)

- *DOTD Location and Survey Manual*
- *DOTD Roadway Design Procedures and Details*
- *DOTD Hydraulics Manual*
- *DOTD Standard Specifications for Roads and Bridges, latest edition*
- *Manual of Uniform Traffic Control Devices (Millennium Edition)*
- *DOTD Traffic Signal Design Manual*
- *National Environmental Policy Act (NEPA)*
- *National Electric Safety Code*
- *DOTD Environmental Manual of Standard Practice*
- *Policy on Geometric Design on Highways and Streets*
- *DOTD Construction Contract Administration Manual*
- *DOTD Materials Sampling Manual*
- *DOTD Bridge Design Manual*
- *DOTD Consultant Contract Services Manual*
- *International Building Code*
- *State Fire Marshal Code (NFPA 101)*
- *State Plumbing Code*
- *Americans with Disabilities Act Accessibility Guidelines (ADAAG)*
- *DOTD Geotechnical Engineering Services Document*
- *DOTD Policy For Roadside Vegetation Management*
- *DOTD: A Guide to Constructing, Operating, and Maintaining Highway Lighting Systems*

LPA Manual
FAQs for Local Public Agencies
(FHWA Funded Programs)

- *DOTD Engineering Directives & Standards Manual (EDSM)*
- *DOTD LA Port Construction & Development Priority Program Procedures Manual for Funded Projects*
- *DOTD Statewide Flood Control Program Procedures Manual for Funded Projects*

WHAT IS THE CORRECT PLAN FORMAT?

All plans let by DOTD shall be in the DOTD format, regardless of type of project. The complete plan preparation guide may be found in Chapter 8 of Road Design Manual's, Roadway Design Procedures and Details , located on the DOTD website.

Summary of requirements:

For electronic standard plan information the consultant may go to the DOTD website for DOTD CADD Standards Downloads at altivasoft.com and downloads of DOTD's CADD standards in either Micro station or AutoCAD.

WHAT COMMON ELEMENTS SHOULD BE INCLUDED IN THE PLANS?

DOTD bids out to construction all projects with Federal funds. All projects (except architectural projects) must have bid items for mobilization and temporary signs and barricades. If appropriate, construction sequencing sheets must be included in the plans. Usually construction layout will be included as a pay item.

If Construction layout is not included as a pay item and there are complex geometrics or structures contained in the plans, the LPA will be responsible for providing the construction layout at their own cost. The construction layout may also include vertical datum if drainage pipe is to be installed. The location of utility conflicts is vital to the construction layout.

For small projects, if the item "Removal of Structures and Obstructions paid as a Lump Sum" is used, then all items being removed under this item must be identified in one of

LPA Manual
FAQs for Local Public Agencies
(FHWA Funded Programs)

3 ways: 1) use of a table (preferred method), 2) each item is identified on the appropriate plan sheets or 3) by a general note on the plans listing the affected items.

For small projects, if the item “Excavation and Embankment paid as a lump sum” is used, the plans should include estimated quantities of excavation and embankment for the contractor’s information.

Information supplied on the plans should be sufficient for a contractor to build the project. Stationing and any geometric information necessary for construction layout must be provided on the plans. Surveys should be of sufficient detail to provide any overhead or underground utility, drainage, obstacles, and right-of-way information on the plans.

WHO PROVIDES THE TRAFFIC CLASSIFICATIONS?

Typically for projects that require pavement design, the LPA must provide traffic classification counts and the pavement report prior to DOTD accepting the 30 percent preliminary plans submittal. Traffic counts should be broken down into the thirteen FHWA vehicle type classifications as specified by the *1993 AASHTO Guide for Design of Pavement Structures*.

WHO PROVIDES BORINGS?

The **LPA** provides shallow borings and/or bridge borings as needed (except for the OSBR Program). If on a state route, DOTD may request this information from its Geotechnical Section.

WHAT IS THE PROCESS FOR LARGE CHANGES IN SCOPE OR BUDGET?

Any significant changes to the approved project scope or budget must be submitted by the Responsible Charge to the DOTD Project Manager for approval. The Project Manager will coordinate the change with the DOTD Program Manager and Office of Multimodal Planning. The Responsible Charge will coordinate with the MPO (if applicable).

WHAT IS REQUIRED FOR A SURVEY?

All topographic surveys, right-of-way sketches, and right-of-way maps must be made in accordance with the DOTD Location and Survey Manual or as approved by the latest standards and the Location and Survey Administrator. A letter is required from the design consultant that the survey is complete and sufficient for the scope of the project to continue with design. This letter must be transmitted to DOTD by the **LPA's** responsible charge.

WHAT IS A PLAN-IN-HAND?

After preliminary plans have been accepted and before final signed plans are accepted, a plan-in-hand meeting or field inspection will be held. This meeting consists of an office review of a minimum of the following documents: plans, draft technical specifications, projected cost estimate, constructability/biddability document, and a field inspection of the project site. The plans should have right-of-way information, utility relocations, and adjustments specified, typical sections and details, plan and/or plan-and-profile sheets, cross-sections (if needed), and a listing of pay items to be used on the project (final quantities are not required).

The DOTD Project Manager will coordinate with the LPA's responsible person in charge to set up the meeting. The various DOTD section personnel (Construction, Right-of-Way, etc.) will be invited to attend the meeting for their input. In most cases, the plan-in-hand will be held near the project site (the LPA's facilities or DOTD's district office). It will be the LPA's responsibility to invite all utilities and non-DOTD/FHWA personnel affected by the project to the meeting. **PLEASE NOTE: THE MEETING WILL BE CANCELLED IF THE LPA RESPONSIBLE CHARGE IS NOT IN ATTENDANCE FOR THE ENTIRE MEETING.**

WHAT IS NEEDED FOR ADVANCED CHECK PRINTS (ACPS)?

ACPs are plans considered completed for final review. This submittal should include copies of the plans, specifications and cost estimate. These documents will be forwarded to other DOTD personnel for another review to ensure that all corrections

have been made to the plans and no other issues have arisen since the plan-in-hand inspection. After this review and any corrections made resulting from it, the LPA will send in the final submittal for the project to DOTD.

WHAT SHOULD THE SPECIFICATIONS INCLUDE?

DOTD will advertise and let the project to construction. The **final bid documents may be prepared by DOTD personnel** or the LPA's engineer according to the Entity-State Agreement based on the final plans and bid items used. The specification document should be created using standard Trns*port pay items to the greatest extent possible. These items are based on pay items in the *Standard Specification Manual for Roads and Bridges*. If no standard pay item is available, then the non-standard Trns*port pay items should be used. All Trns*port items, both standard and non-standard, may be found in the [Master Schedule of Pay Items](#), latest edition, (standard specifications). **The LPA or their consultant is responsible for providing technical specifications for non-standard items that do not have a technical write-up.** (Trns*port has a report that is available to review past project bid items) If a pay item is needed that is not supported in either the standard or non-standard Trns*port item list, contact the DOTD Program Manager for approval. Only architectural projects will be allowed to have one pay item for the project. This item is "Building," lump sum. However, the architect will be required to provide the DOTD Program Manager with a Schedule of Values breaking down the lump sum item.

General rules for pay items are as follows:

1. If the Trns*port item is sufficient for the use intended, use the Trns*port pay item number. If it states "Supplemental Description Required," add whatever description is needed to distinguish that item. Example: An Indian Hawthorne and a Spirea are to be supplied in 3 gallon containers. The number and description would be 719-01-06060, Plants (Plant) (Container) (3 gallon) for both plants. To distinguish the types in the (*Supplemental Description Required*), the Supplemental Description for the Indian Hawthorne would read (Clara, Indian Hawthorne, Raphiolepis Indica "Clara", 18" min ht, 18" min spread); the Spirea would read (Anthony Waterer Spirea, Spirea X Bumalda "Anthony Waterii, 18" min ht, 18" min spread).

LPA Manual
FAQs for Local Public Agencies
(FHWA Funded Programs)

2. If there is no standard item, then a non-standard item (NS-) should be used and a technical specification for the item that must be supplied. If an existing non-standard item is not found, contact the DOTD Program Manager. The specification supplied must cover the following:
 - a. Scope of work,
 - b. Description of how work is to be accomplished (To what standards), and
 - c. Use the existing method of payment found in the list for the non-standard item.
3. Each non-standard item must have a technical specification provided by the consultant. Along with the technical specifications, the design engineer will provide a cover sheet for the technical specifications showing the project number and providing a signature block for each author of the technical specifications where they will sign and stamp.

At the plan-in-hand stage, the consultant will be required to submit a set of draft technical specifications for each “NS” item proposed to be used. A corrected copy of the technical specifications will be provided for proofing at the advanced check print stage. The signed and sealed cover sheet will only be required at final document stage.

WHAT ARE THE REQUIRED DESIGN GUIDELINES FOR EACH PROJECT TYPE?

The *English Minimum Design Guidelines for Roads and Bridges*

Information for *Bicycle, Pedestrian, Architectural and Landscaping Facilities Projects* found under “Now that I Have a Project, What do I Do?”

WHAT TYPE OF DESIGN REVIEWS ARE REQUIRED?

The LPA road and bridge construction projects require the same design reviews as traditional state projects. See Road Design’s Manual, [Roadway Design Procedures and](#)

[Details](#). For other types of projects, (sidewalks, guardrails, landscaping, etc.) please consult the Project Manager to determine the requirements for their program.

WHAT IS REQUIRED WITH A PROJECT DESIGN SUBMITTAL?

All submittals are made to DOTD by the LPA. They must include a title sheet signed by the LPA and an estimate of probable cost. When transmitting the next submittal, written responses to the previous submittal's comments are required to be documented. The responses should indicate whether the responsible charge and the consultant agree or disagree with the comments.

WHO IS RESPONSIBLE TO OBTAIN A DESIGN EXCEPTION?

The LPA is responsible to obtain any design exceptions. The Responsible Charge or designer shall fill out DOTD's Design Exception/Design Waiver Form. The Responsible Charge will sign it and forward it to the DOTD Project Manager. If approved by the DOTD Chief Engineer, a note should be placed on the title sheet and on all applicable sheets referencing this design exception. For the OSBR Program, the Parish Police Jury approves the design exception for Rural Local (RL)-1 and RL-2 roadways. For an exception on a RL-3 roadway, a resolution is required with a special design exception form letter that is sent to the DOTD Chief Engineer for approval. See Section 2.3 of the Road Design Procedures and Details manual. **Question for PMs – Do we want to put the design waiver form on the internet?**

WHAT IS NEEDED AT FINAL SUBMISSION FOR A DOTD LETTING?

The project will not be considered delivered and ready to be let to construction until all permits and agreements (right-of-way, utilities, environmental, and railroad) are completed. The letting date will be set at a minimum of three months after the submission of the completed project package to DOTD.

The completed package sent to the DOTD Project Manager includes the following:

- Final signed, sealed, and dated by the Engineer of Record project plans with the LPA signatures

LPA Manual
FAQs for Local Public Agencies
(FHWA Funded Programs)

- Final technical specifications (electronic copy in Word) with cover sheet that has been signed, stamped and dated by the Engineer of Record.
- Final cost estimate Plans, Specifications, and Estimate (PS&E)
- Copies of issued permits
- Utility certification form
- Right-of-way clearance certification (if applicable)
- Railroad agreement (if applicable)

These documents will be transmitted to the DOTD Contracts and Specifications Unit for further processing.

Please note that the cost estimate will be entered into DOTD's Trns*port computer program, at which time the DOTD Project Manager will compare actual bid prices received for projects. This may result in an increase to the projected estimated cost. If so, the Responsible Charge will be informed of the increase at the time that the *final verification letter* is sent to the LPA by the Project Manager.

Permits

WHAT PERMITS ARE NEEDED?

Usually, required permits are determined during the environmental process. If permits are required, the Responsible Charge (can be assisted by a consultant) will be responsible for obtaining the permits from the appropriate agency and ensuring that they are current at the time of project letting. Upon receipt of the permit, the responsible charge shall supply a minimum of two copies of the approved permit for DOTD records. Both copies shall be sent to the DOTD Project Manager. The Project Manager will transmit one copy to the Environmental Section. If a permitting agency determines that a permit is not required, two paper copies of that letter should be sent to the DOTD Project Manager.

WHAT ARE SOME COMMON PERMITS?

A few examples of common permits are wetland permits (impacting wetlands or other waters), coastal use permits (within coastal zone), bridge permits (bridges over navigable waterways), LPDES permits (surface water discharge at construction site), scenic stream permits (impacting scenic stream) and occasionally levee permits (impacting levee). See the DOTD [Stage 1 Manual of Practice](#) for a list of common permits needed for transportation projects beginning on page 7-40.

A railroad permit from the railroad company may be required when railroad right-of-way is encroached upon, or when the project crosses or has potential effects on the railroad. The need for railroad permits should be coordinated with the DOTD Rail Safety Engineer. It is highly recommended that this process be started as soon as possible after the project has been included in the program. The Responsible Charge will be required to submit two copies of the executed permit. One will be filed with the DOTD Rail Safety Engineer and one will be filed with the DOTD Project Manager.

The Clean Water Act (Section 402) - Louisiana Pollutant Discharge Elimination System (LPDES) Surface Water Discharge Permit is issued by the Louisiana Department of Environmental Quality (LaDEQ). It is for the discharge of pollutants into state waters, including wetlands and groundwater. These permits are required if the projected area of disturbance during construction exceeds five acres. Activities included in the estimated area to be disturbed include but are not limited to: grubbing, excavation, grading, and utilities and infrastructure installation. Should the project fit this category, then a permit will be required. The Responsible Charge will be required to provide the DOTD Project Manager with the projected area of disturbance in acres along with the nearest body of water that will receive any potential runoff as a result of the project. If the disturbance is greater than five acres, a special provision is added to the proposal making the responsible charge and/or the contractor responsible for submitting the Notice of Intent (NOI)-and preparing the Storm Water Pollution Prevention Plan (SWPPP). If the project is on a state route, DOTD submits the NOI.

DOTD's general permit will be applicable should the projected area of disturbance be between one and five acres. Any project that disturbs more than one acre during construction must include the DOTD Standard Plan EC-01 as a part of the plans and pay items should be added covering the erosion control work. Additionally, prior to initiating construction activity, the Responsible Charge and/or the contractor must prepare a SWPPP. At the completion of the project and when the site has been

LPA Manual
FAQs for Local Public Agencies
(FHWA Funded Programs)

stabilized, a Small Construction Activity Completion Report (SCACR) form must be submitted to the LDEQ by January 28 of the year following the calendar year in which the project was completed, in accordance with Part III.D.2.a.2 of the permit.

A Coastal Zone Management Certificate is required to certify that the activity will comply with the state's Coastal Zone Management program (Shoreline Management Act). This affects the southern parishes.

WHAT ARE COMMON BRIDGE PERMITS?

Common permits required for most bridge projects may include US Coast Guard bridge permit (General Bridge Act of 1946), U.S. Army Corps permit (Rivers and Harbors Act – Section 10), Corps wetland permit (Clean Water Act – Section 404), DEQ water quality certificate (Clean Water Act – Section 401 Water Quality Certification), DEQ water discharge permit (Clean Water Act – Section 402), DEQ air emission permit (Clean Air Act), Coastal Use Permit (if in coastal zone) and Louisiana Scenic River Permit. For further descriptions on some of the permits, please refer to the DOTD Stage 1 manual beginning on page 7-40.

WHEN ARE THE PERMITS REQUIRED FROM THE RESPONSIBLE?

Plans will not be considered final and a project delivered and ready to be let to construction until all permits and agreements (right-of-way, utilities, environmental and railroad) are completed and submitted to DOTD. Exception: For the OSBR Program DOTD submits requests to the U.S. Army Corps of Engineers for Section 404, Wetlands/Other Waters, permits in the appropriate parish's name.

Right-of-Way

WHAT IS DOCUMENTATION IS REQUIRED FOR EACH PROJECT REGARDING RIGHT-OF-WAY?

EACH PROJECT IS REQUIRED TO HAVE RIGHT-OF-WAY (ROW) CLEARANCE BEFORE LETTING. Caution: Do **not** obtain any right-of-way for projects that have any Federal Funding prior to the completion of the project's NEPA process. The [LPA Right-of-Way Manual](#) clearly specifies the requirements.

WHAT ABOUT PRIVATELY OWNED LAND?

On private land, the clearance requires the LPA to acquire the property per federal standards. The *LPA Right of Way Manual* has more information. Property owners can donate land if all FHWA real estate acquisition procedures are followed. Do not proceed until the appropriate DOTD Office of Real Estate representative is contacted. (Contact the Project Manager to identify the representative.)

WHAT ABOUT PUBLICALLY OWNED LAND?

If the ROW or servitude is on public land, the LPA needs approval from the land owners to do the project. A Joint Project Agreement may fulfill this approval function, and may set the basis for the ROW clearance memo; however, additional approvals and/or documentation may be needed. Contact the DOTD Office of Real Estate representation prior to any action.

WHAT IS THE PROCESS FOR BEING REIMBURSED FOR RIGHT-OF-WAY?

The allowance for reimbursement of ROW cost is program specific. Please check with the Project/Program Manager to determine specific program guidelines.

LPA Manual
FAQs for Local Public Agencies
(FHWA Funded Programs)

If reimbursement is requested, **all ROW acquisition coordination will be managed by the DOTD Real Estate Section.** Unless stipulated in the agreement, all administration costs for ROW acquisition shall be borne by the LPA as a normal “cost of doing business.” Before any action is taken in obtaining the ROW, written notification authorizing action must be received from the DOTD Office of Real Estate.

If reimbursement is not being requested for ROW acquisition, a copy of the *LPA Right-of-Way Manual* and should be obtained. Conformance to the procedures and documentation requirements in the manual must be followed. Any questions concerning real estate acquisition should be directed to the appropriate Real Estate representative.

Whether reimbursed or not, the existing ROW limits and any proposed ROW acquisition, including owner information, should be shown on the plans. All files will be audited by DOTD/FHWA prior to clearance. NOTE: Ultimately, a right-of-way clearance memo must be obtained from the DOTD District Real Estate Office before letting a project to construction.

Utilites

WHO IS RESPONSIBLE FOR COORDINATING WITH UTILITY COMPANIES?

For a local route, the LPA Responsible Charge is in charge of ensuring plans are transmitted to the utility companies during all phases of the project. He/she is responsible for ensuring any utility relocation required for the project is coordinated and all documentation required by the DOTD Utility Section is provided even if DOTD is holding the contract and managing the work.

WHAT IF THERE ARE UTILITY RELOCATIONS ON STATE ROUTES?

DOTD will coordinate all utility relocations on state routes.

On local routes contact the Project Manager. Utility relocations on local routes are the responsibility of the LPA and require the affected utilities to be relocated prior to the DOTD letting the project to construction. Some programs require a letter of assurance that all utilities will be relocated, if necessary, prior to letting.

Utility conflicts must be discussed at the project's plan-in-hand meeting. It is advised that the relocations and procedures be coordinated with the DOTD District Utility Specialist (DUS). Many problems in construction are a result of utility issues.

Prior to construction verification and/or scheduling of the utility relocation a copy of the utility agreement and supporting documentation must be forwarded to the DOTD DUS and Area Engineer with a copy sent to the DOTD Project Manager. Any delay claims cause by a utility not being moved prior to construction will be the responsibility of the LPA.

Stage 4

LETTING

WHAT IS THE LAST STEP BEFORE LETTING A PROJECT TO CONSTRUCTION?

Prior to the final letting date being approved, a verification letter that states the following is required from the LPA:

1. The LPA is aware that they must provide any additional funds required to build the project if they concur with the bid award.
2. The LPA is aware that this is a cost-reimbursable program. Therefore, they* understand they must pay the contractor, and then request reimbursement.
3. For local routes that the LPA holds the contract, the LPA* is aware that they must provide construction administration and inspection, as well as materials testing, for the project. These services shall conform to DOTD policies and procedures.

LPA Manual
FAQs for Local Public Agencies
(FHWA Funded Programs)

4. The LPA is aware that maintenance and liability for the project is their responsibility for locally owned routes. The Maintenance Schedule and Projected Annual Cost Report signed by them have been provided as a part of the final submittal.

*This is not applicable to the OSBR Program where DOTD executes the contract with the contractor.

WHO ADVERTISES THE PROJECTS FOR LETTING?

DOTD will advertise and let (awards contract) the LPA projects, with the exception of the Recreational Trails projects. This program is administered through the Department of Culture, Recreation and Tourism.

WHAT IF AN ADDENDUM IS NEEDED?

All addenda (revisions to the final plans or specifications after the signature of the DOTD Chief Engineer has been obtained) will be sent out by DOTD through the normal process. Contact the DOTD Project Manager should an addendum be deemed necessary.

Deadlines for addendums are as follows:

- If plans are involved, the DOTD Project Manager must receive the proposed addendum at least 12 days before the letting date.
- If only specifications are involved, the DOTD Project Manager must receive the proposed addendum at least 9 days before the letting date.

If an addendum is required and the deadline has passed, the LPA must decide whether to pull the job from the letting or proceed with the letting. The DOTD Project Manager should be verbally informed as soon as possible and a letter should follow as soon as possible requesting postponement of the letting. Usually, if a project is “pulled” from the letting, it will be rescheduled for the next month’s letting.

HOW ARE QUESTIONS ABOUT THE CONSTRUCTION PLANS DURING ADVERTISEMENT ADDRESSED?

All questions must be addressed through DOTD's FALCON system. No communication is allowed outside of this medium.

WHAT HAPPENS IF THE PLANS NEED TO BE REVISED PRIOR TO LETTING?

If the plans require revising after they have been signed by the DOTD Chief Engineer and prior to letting, guidelines have been set forth in the *Road Design Procedures and Details Manual*, Section 8.1.6, Plan Revisions and Change Orders

WHAT HAPPENS AFTER LETTING?*

*This is not applicable to the OSBR Program where DOTD executes the contract.

Once the project has been let, a letter is sent to the LPA requesting concurrence with the low bidder. Once the concurrence is received, DOTD will begin processing all needed paperwork for the award of contract. The contract is between the LPA and the contractor unless specified otherwise in the Entity State Agreement.

Once the contract is signed, DOTD will send the contractor an "Entity Notice of Contract Execution" letter. This letter states that the construction contracts have been reviewed by DOTD and found satisfactory; it also gives the LPA the authority to record the contract in the Clerk of Court's office and to issue the "Notice to Proceed" for the work to the contractor. They should coordinate the Notice to Proceed with the DOTD District Office.

The Responsible Charge with the LPA project engineer assigned to the project should schedule a Project Set-up meeting with the DOTD District Construction Project Coordinator before the pre-construction conference. At this meeting the attendees should discuss and agree upon the following:

- When a DOTD-certified inspector is needed on the project

LPA Manual
FAQs for Local Public Agencies
(FHWA Funded Programs)

- The paperwork required for partial estimates, final estimates and change orders (plan changes)
- Verification of the sampling and testing requirements for the job
- Establishment of access to SiteManager and receive training if not already active

Please be aware that failure to comply with construction paperwork requirements will cause reimbursement of construction costs to be either delayed or (in severe cases) withheld.

The Responsible Charge and the LPA project engineer should schedule a pre-construction conference with the contractor, utility companies and DOTD personnel. The items on the Preconstruction Checklist should be discussed.

**HOW MANY FULL-SIZE PLANS AND PROPOSALS ARE SENT FROM
DOTD TO THE LPA WHEN THE PROJECT IS LET?**

The project plans and specification are available electronically in Falcon. DOTD will provide one complete full-size set of plans and specifications to the LPA. If they need additional copies, they should refer to Falcon.

Electronic and paper copies can be made from Falcon.

Stage 5

CONSTRUCTION*

*This is not applicable to the OSBR Program or any project where DOTD executes the contract

WHEN CAN CONSTRUCTION BEGIN?

DOTD advertises and takes the bids on all projects; therefore, at NO time should ANY project construction wherein reimbursement is expected start before written authorization is provided by DOTD

WHO PROVIDES CONSTRUCTION INSPECTION?

If the project is on a non-state route, the LPA has the choice of inspecting the construction using in-house personnel, hiring a consultant with their own funds, requesting DOTD to obtain a consultant through DOTD's consultant selection process with the LPA paying the prevailing match, or paying DOTD to manage the construction. If the project is located on a state route, DOTD's District Construction Section will either provide the construction inspection with their forces or manage a consultant contract for these services.

WHO DOES THE LPA PROJECT ENGINEER WORK FOR?

The "Project Engineer" works for the LPA or contract owner. If the construction contract is between the LPA and the contractor, the LPA's project engineer is responsible for inspecting the construction work and ensuring that it is in compliance with the contract.

WHO IS THE DOTD CONTACT DURING CONSTRUCTION?

When the project begins the construction phase, the main DOTD contact will be the DOTD Project Coordinator. A DOTD Project Coordinator from the DOTD District Office will be assigned the coordination of the project to be a resource for the LPA Responsible Charge in keeping the necessary documentation and providing project oversight. All projects are tracked through SiteManager. The daily construction inspection is the LPA's responsibility, unless otherwise specified in the Entity-State

LPA Manual
FAQs for Local Public Agencies
(FHWA Funded Programs)

Agreement. However, the DOTD Project Coordinator will oversee the inspection to ensure it is being performed so the public investment is being used wisely.

WILL THE DOTD PROJECT COORDINATOR GIVE THE LPA PROJECT ENGINEER INSTRUCTIONS ON WHAT TO DO OR HOW TO RUN THE PROJECT?

NO!!! The LPA project engineer is responsible for managing the project.

WHEN SHOULD THE FIRST MEETING WITH THE DOTD PROJECT COORDINATOR BE HELD?

The Responsible Charge and the LPA project engineer should schedule a meeting with the DOTD Project Coordinator prior to the pre-construction conference to determine 1) When a DOTD certified inspector is needed 2) To review the paperwork required for partial estimates 3) Final estimates and change orders (plan changes) and 4) To verify the materials sampling and testing requirements for the project

Documentation will be in accordance with the DOTD Construction Contract Administration Manual (CCA Manual). A copy may be downloaded from DOTD's website. **If the project engineer (PE) is not familiar with SiteManager, the LPA PE should request SiteManager access and training.**

WHAT IS THE ROLE OF THE DOTD PROJECT COORDINATOR?

As a general rule, the DOTD Project Coordinator is there to provide technical assistance and answer any questions. He/she will try to clear up confusing issues BEFORE something goes WRONG, NOT after something goes wrong. DOTD is there to assist with solving problems before they happen. If there is any confusion or doubt, ASK FIRST, BEFORE going ahead. The DOTD Project Coordinator is there to provide guidance and answer questions.

IS A DOTD CERTIFIED INSPECTOR REQUIRED?

DOTD-certified inspectors will be required, if a DOTD-certified inspector is required for similar work on DOTD owned construction projects. For example, pouring structural concrete would require a DOTD-certified inspector. Pouring sidewalks does not require a DOTD-certified inspector. To lay and backfill pipe does not require a DOTD certified-inspector; however, to run a density test does require a DOTD-certified inspector. To place hot mix does require a DOTD-certified inspector. When in doubt as to whether a DOTD-certified inspector is required, consult with the DOTD Project Coordinator.

WHEN DOES THE INSPECTOR NEED TO BE ON THE JOB SITE?

Inspectors should be on-site whenever construction activities are being performed.

WILL DOTD EMPLOYEES OVERSEE AND INSPECT THE WORK ON A LPA'S PROJECT?

Unless the LPA has contract with DOTD in the Entity State Agreement, the LPA is responsible for providing the inspection personnel for the project. The DOTD Project Coordinator is responsible to oversee and monitor the project even though the LPA provides construction engineering and inspection as per the Project Coordinator Duties. The DOTD Project Coordinator can provide additional technical assistance above the minimum if directed by the District Administrator.

ARE DOTD SAMPLING AND TESTING PROCEDURES REQUIRED?

Unless otherwise stated in the contract specifications, all sampling and testing must be done in accordance with the DOTD Materials Sampling Manual.

WHO IS RESPONSIBLE FOR TAKING SAMPLES AND PERFORMING TESTING IN THE FIELD?

The project engineer is responsible for obtaining all the necessary samples and performing tests in the field; he/she may have a certified or qualified inspector to assist, as required. If requested, the District Laboratory Engineer can advise on sampling/testing schedules.

DO DOTD SPECIFICATIONS APPLY TO THE PROJECT?

Unless otherwise stated in the contract specifications, the project will be built in accordance with the latest version of the Louisiana Standard Specifications for Roads and Bridges.

WHO REVIEWS SHOP DRAWINGS?

Shop drawings and submittals are to be reviewed and approved by the Design Engineer. The Engineer of Record is responsible for reviewing shop drawings. (Exception: The OSBR Program.) DOTD will be available for consultation, but will not accept approval responsibility.

Change Orders

WHEN IS A CHANGE ORDER (PLAN CHANGE) INITIATED?

A change order should be initiated any time it is necessary to deviate from the contract, specifications, or plans or any time there is an overrun or underrun for an item that is 5 percent or greater.

WHO WRITES THE CHANGE ORDERS?

The project engineer is responsible for writing the change order. The DOTD Project Coordinator can provide guidance in how to write the change orders; however, he/she will NOT write the change order.

WHAT IS THE PROCEDURE FOR SUBMITTING AND GETTING A CHANGE ORDER APPROVED?

The procedure is documented in the CCA Manual. The following is a summary:

1. NO extra work should be started until a change order has been approved (with all applicable signatures in SiteManager). In some cases, the DOTD Project Coordinator is able to discuss the proposed changes with DOTD (HQ) and can obtain a "verbal" approval for the extra work. (If a verbal approval has been received, the paperwork for the change order should be expedited.)
2. The "paperwork" of the change order will be completed in SiteManager. The LPA Project Engineer will prepare it. The change order will address the overall scope of the project, the nature of the changes, and how they affect the items in the project and the quantities of the items. A justification is required for any extra cost, extra work, and any changes in contract time.
3. The Responsible Charge and the LPA Project Engineer will sign the change order document; then it will be forwarded to the DOTD Project Coordinator for further processing.

Reimbursement

HOW IS THE CONTRACTOR PAID?

Payment of the contractor is the LPA's responsibility. **This is not a grant; it is a cost-reimbursable program.**

DISBURSEMENT - The invoice(s) is attached to an executed Cost Disbursement Certification form certifying the work has been performed in accordance with the Entity-State Agreement and the goods and/or services have been received. The LPA will have 60 days from receipt of the disbursement from DOTD to provide proof of their payment to the contractor/vendor to DOTD for the invoiced services or goods.

LPA Manual
FAQs for Local Public Agencies
(FHWA Funded Programs)

REIMBURSEMENT – The LPA pays first; then DOTD reimburses them the appropriate percentage. The LPA submits a copy of the invoice with a copy of the cancelled check to DOTD.

If the contract is between the LPA and the contractor, DOTD is not a party to the contract. Therefore, any calls by the contractor to DOTD regarding payment of invoices will be directed back to the LPA.

All supporting paperwork required by the DOTD Project Coordinator must be supplied before an estimate may be processed. The paperwork includes field books, daily diaries, etc. (as required by the [Construction Contract Administration Manual](#) located at Inside LaDOTD / Divisions / Engineering / Engineering Documents & Manuals / Construction Contract Administration Manual) that is kept on the project as required. SiteManager will be used for tracking daily work reports and partial estimates. Field records will be kept in either field books or on spreadsheets.

Change Orders must be submitted to DOTD for review and concurrence, even if the LPA pays for the entire plan change. Any extra work done prior to DOTD's concurrence may result in the LPA being 100 percent responsible for the cost. **Complete records must be kept for auditing purposes. The cost of any change orders that requires additional monies (based on appropriate match) beyond the maximum federal funding level set in the Entity-State Agreement will be the sole responsibility of the LPA.** All Change Orders will be done in SiteManager.

WHAT IS REQUIRED FOR REIMBURSED BY DOTD?

Follow the format stipulated in the DOTD CCA Manual, latest edition, for the following actions:

1. All of the pay items should be measured and documented in a field book by the LPA Project Engineer.
2. A detailed estimate should be prepared by the project engineer showing the pay items, the quantity, and dollar amount for each item. The LPA Project Engineer should sign the estimate.
3. Complete a Cost Disbursement Certification form (if applicable).

4. All of the above should be given to the DOTD Project Coordinator.

WHAT IS THE DOTD PROJECT COORDINATOR'S ROLE IN REIMBURSEMENT?

He/she may assist by providing instruction on the information required to fill out the daily work reports and how to generate an estimate in SiteManager.

HOW LONG DOES IT TAKE TO GET REIMBURSEMENT AFTER THE DOTD PROJECT COORDINATOR SENDS THE INFORMATION TO DOTD HQ?

If the funds have authorized and the documentation is in order, the check can be sent in one to two weeks or electronically transferred sooner. If there are problems with the documentation, it can take much longer.

Records/Project Documentation

WHERE DOES THE PAPERWORK NEED TO BE SENT?

All paperwork is kept at the project engineer's office during the project. After the Final Inspection, the paperwork is forwarded with the Final Estimate to the DOTD Estimate Engineer. **The LPA Project Engineer must have access to the SiteManager program and obtain training.** Failure to supply the required documentation will result in either a delay in reimbursement or possible withdrawal of federal funding should the matter not be resolved in a timely manner.

WHAT RECORDS NEED TO BE KEPT AND MAINTAINED?

- Daily diaries or Daily Work Reports (DWRs) shall be generated in SiteManager daily and approved and kept by the LPA Project Engineer. The diaries must be started on the day of the Notice to Proceed and be kept every day until the job is done.
- Records of all material samples taken, field tests performed, and results shall be properly documented.
- All field measurements and records documenting pay quantities shall be kept in accordance with the CCA Manual or SiteManager requirements.

WHAT HAPPENS IF THE REQUIRED RECORDS ARE NOT SUPPLIED?

The LPA is responsible for supplying these records to DOTD. Should the required records not be supplied, DOTD will be required to withdraw funding for the project and request the reimbursement of federal funds expended on the project. **THIS DOCUMENTATION IS REQUIRED, NOT OPTIONAL.**

WHAT SUBMITTAL INFORMATION IS REQUIRED AT THE END OF THE PROJECT?

Most information will be generated by SiteManager if records are kept properly.

The required information is documented in the CCA Manual. A brief summary follows:

- a. A Final Estimate form. The project engineer is responsible for completing the final estimate. The information should be submitted in the same format as a partial estimate.
- b. A "recap" of the Weather and Working Days charged on the project.
- c. All documentation of field measurements of pay quantities and all payment records to the contractor.

- d. All "Certificates of Release" from private property owners, etc. (if applicable).
- e. A set of "As-built" plans.
- f. A list of benchmarks used on this project.

The LPA is required to keep the records available for auditing by either DOTD or the Legislative Auditor for five years.

WHAT HAPPENS IF THE INFORMATION REQUIRED AT THE END OF THE PROJECT IS NOT SUPPLIED?

The LPA is responsible for supplying these project records. Should the required records not be supplied, DOTD will be required to withdraw funding for the project and request the reimbursement of federal funds expended on the project. **THIS DOCUMENTATION IS REQUIRED, NOT OPTIONAL.**

DOES DOTD HAVE TO BE PRESENT FOR THE FINAL INSPECTION?

The DOTD Project Coordinator **must** attend the final inspection for it to be official. The Responsible Charge and the LPA Project Engineer, the contractor, and the DOTD Project Coordinator should **all** be present at the final inspection to ensure that all work has been performed in a satisfactory manner.

WHAT HAPPENS AFTER FINAL INSPECTION/ACCEPTANCE?

The LPA is required to:

1. Adopt a resolution granting final acceptance to the contractor
2. File the acceptance in the Clerk of Court's office
3. Send a copy of the resolution and receipt of filing from the courthouse to the DOTD Project Coordinator

FAQ's for Sponsoring Entities Capital Outlay Programs (Port Priority and Statewide Flood Control Programs)*

***Note:** The following questions and answers are provided to identify any deviation in procedure for the Capital Outlay Programs (Port Priority and Statewide Flood Control Programs) from the procedures for the FHWA funded programs. If no question/answer is listed below, assume the FAQ procedure/answer above applies unless it specifically references the funding in the answer.

GENERAL

WHAT IS THE PORT PRIORITY PROGRAM?

The Port Priority Program provides state funding to public entities to improve the infrastructure of Louisiana ports and harbors, promote economic development, provide jobs, minimize congestion, improve safety and reduce maintenance cost on our highways.

WHAT IS THE STATEWIDE FLOOD CONTROL PROGRAM?

The Statewide Flood Control Program provides state funding to reduce existing flood damages in Louisiana by both structural and non-structural solutions.

Disadvantage Business Enterprise (DBE) **Program**

HOW ARE DBE PROJECT GOALS ESTABLISHED FOR A PROJECT?

The LPA bids these projects and is responsible for setting any goals.

WHO IS RESPONSIBLE FOR DBE MONITORING AFTER CONTRACT AWARD?

The LPA is responsible for monitoring the DBE's performance to ensure the Commercially Useful Function (CUF) is performed.

Funding

HOW DOES THE PROJECT RECEIVE FUNDING?

Applications are submitted quarterly to the DOTD Port Priority Program and annually to the DOTD Statewide Flood Control Program for a formal review and evaluation. If applications meet the program rules and regulations, they are prioritized and submitted to the Joint Legislative Committee on Transportation, Highways, and Public Works, and a public hearing is held. DOTD prepares the recommended construction program and presents it to the Legislature for funding. Programs recommended but not funded will be included in the list of recommended projects for the following year. Upon funding by the legislature, DOTD shall enter into an agreement with the LPA to participate in the construction of the project.

HOW MUCH FUNDING WILL A LPA RECEIVE?

The amount of state funds is set in the Entity-State Agreement according to state administrative code procedures. In the **Port Priority Program**, DOTD may limit the funding distribution to each LPA to no more than one third (1/3) per year of the single project maximum Legislative Funding Authority established for that fiscal year. The LPA shall provide 10 percent local match for the cost of constructing the project, and shall furnish all lands, easements, rights-of-ways, and spoil disposal area at no cost to the state.

The **Statewide Flood Control Program** is uniquely structured to provide an equitable distribution of funds throughout the state. For non-federal matched projects, the Statewide Flood Control Program provides up to 90 percent of the construction costs. The LPA shall provide engineering, rights-of-ways, easements and utilities. For projects with Federal matching funds, state funding is provided up to 70 percent of the local non-federal share. The LPA shall execute an agreement with the U.S. Army Corps of Engineers (Corps) for the federal funding.

WHEN CAN CONSTRUCTION BEGIN?

The program's Procedures Manual for Funded Projects lists the required submittals in order for a project to be eligible for reimbursement. **The LPA must have a fully executed and approved Entity-State Agreement before entering into any contracts which obligate state funding and must follow all laws pertaining to public bidding.** Further, written authorization must be obtained from DOTD prior to advertising the project and any phase thereof for bids. Plans and specifications are to be submitted for DOTD review and verification of application scope prior to advertising.

WHEN ARE THE FUNDS GIVEN TO THE LPA?

These are cost reimbursable, pay-as-you-go programs. The money is not paid in an upfront lump sum check to the LPA. The money is only set aside for the authorized phase. If the project is less than the approved funded amount, the LPA cannot use the money for another project. During construction, partial payment requests are processed monthly for state funding. For Statewide Flood Control projects with federal funds, the Corps will develop a payment schedule for disbursement of funds.

WHAT IF THE COST INCREASES?

The **LPA** will be responsible for any cost in excess of the Entity-State Agreement funded amount.

HOW MUCH MONEY DOES THE LPA NEED TO HAVE AVAILABLE?

These are cost reimbursable programs. Therefore, the LPA is required to have enough money to pay the invoices (within 30 days) as per Louisiana law. **The LPA**

pays the consultant/contractor first, and then files a request with the DOTD Project Manager for reimbursement for the funds. Invoices may be filed with DOTD on a monthly basis for state funding; therefore, the LPA should ensure that they have sufficient monies set aside to cover payments and construction contract administration services. Statewide Flood Control projects with federal funds are typically reimbursed on an annual basis.

WHAT TYPE OF MATCH CAN BE USED?

In the **Port Priority Program**, the LPA shall provide a local cash match of at least ten percent of the cost of constructing the project. Funds obtained from federal or other non-state sources (i.e. private donations) may be used for the local match. State funds cannot be used as local matching funds. The local match may be greater than ten percent.

For non-federal projects, the Statewide Flood Control Program provides up to 90% of the cost of constructing the project. For federal matched projects, the Statewide Flood Control Program provides up to 70% of the local share of the cost of constructing the project. Funds obtained from federal or other non-state sources (i.e. private donations) may be used for the local match. State funds cannot be used as local matching funds. The LPA may provide a local match greater than ten percent for non-federal and a local match greater than 30% for federally matched projects.

“HOW DOES A LPA GET PAID?”

The DOTD Project Manager and DOTD District Project Coordinator is provided with all the paperwork that is requested in the manner in which it is requested. They are the contact for getting reimbursement. Payment requests are paid monthly for non-federal projects. The Corps will establish payment schedules for Statewide Flood Control projects with federal funds.

Submittals consist of:

1. LPA's written payment request
2. Payment spreadsheet of unit bid items

3. Engineer's certificate
4. Invoices for stockpile.

DOTD will prepare the necessary paperwork for reimbursement.

WHAT HAPPENS IF ALL OF THE DOCUMENTATION IS UNAVAILABLE?

THIS DOCUMENTATION IS REQUIRED, NOT OPTIONAL. The LPA is responsible to see that these records are supplied. No reimbursements will be issued without this documentation.

WHEN CAN REIMBURSEMENT BE REQUESTED?

Provided that work is in accordance with the contract provisions, the LPA will make the first pay request for state funded projects within two months from the Notice to Proceed date. Each successive pay request will be made on this date of the month thereafter until completion of the contract. The Corps will establish payment schedules for Statewide Flood Control projects with federal funds.

IS AN AUDIT REPORT REQUIRED?

A copy of the LPA's annual audit report of their financials should be submitted to State Auditor for DOTD.

WHAT ABOUT PRESS RELEASES?

All press releases concerning any state funded project must be cleared through the DOTD Program Manager and the DOTD Communications Director for accuracy and content. The LPA is required to identify DOTD and its participation in the project in any news releases or other promotional material for the project. Press releases concerning Statewide Flood Control projects with federal funds should also be cleared through the Corps.

WHAT ABOUT FUNDING SIGNS?

No funding signs are required in construction for state funded projects. Signs for Statewide Flood Control projects with federal funds must identify the CORPS as providing funding for the project.

WHAT HAPPENS WHEN THE PROJECT DOES NOT MEET THE PROJECT DATES?

The cancellation or withdrawal of funds is set in the Entity-State Agreement. In the Port Priority Program and non-federal matched projects Statewide Flood Control Program, agreements may be terminated and funding reallocated to other projects in the program if not under construction within time frame specified in the agreement. For projects that are completely funded in one fiscal year, projects must be under construction within eighteen months of notification of sufficient funding. The time frame is twelve months for projects completely funded over two fiscal years and six months for projects completely funded over three or more fiscal years.

Stage 0 Feasibility

Agreements

WHAT IS AN ENTITY-STATE AGREEMENT?

An Entity-State Agreement is an agreement between the State and the LPA. This agreement identifies the duties and responsibilities of each entity and the procedures to follow to develop construction plans and specifications, advertise and award a construction contract, and administer the construction contract. Agreements must be accompanied by a resolution authorizing an official of the LPA to execute and sign project related documents.

The LPA agrees to supply the match share; obtain all necessary permits for project construction; furnish all lands, easements, rights-of-ways, and spoil disposal areas necessary for construction; assume all maintenance and operations costs and future alterations as may be required; agrees to implement the project in accordance with the program's procedures manual; and assume the legal liability for the project. DOTD will not advance the project until this requirement is met.

In addition to the executed agreement with the DOTD, the LPA shall execute an agreement with the U.S. Army Corps of Engineers (Corps) to participate in the construction of Statewide Flood Control projects with federal funds. The Corps will be the engineer and the contracting agency.

WHO PREPARES THE ENTITY-STATE AGREEMENT AND WHEN?

The same information for the answer to this question above applies with the exception of the basic information listed below.

Basic information required to write the Agreement is:

- Project Number
- Project Title
- Parish where project will be constructed
- LPA's legal name
- A detailed project description - what is being done, where it is being done, etc.
- Funding and Disbursements
- Project development, engineering, and construction responsibilities
- Record keeping, reporting, and audits
- Cancellation or withdrawal clauses.

CAN THE PROJECT SCOPE BE CHANGED?

Scope changes from the original detailed project description **are strongly discouraged** by DOTD. A LPA cannot make changes in the design or scope of the project without justification, the **written approval** of DOTD's Program Manager and an adjustment to the project's Entity-State Agreement. They must relay any proposed changes in the scope of the project to the DOTD Program Manager as soon as possible after their decision to modify a project. Changes without DOTD's approval will prevent the reimbursement of funding for the changed scope/items.

WILL DOTD PERFORM DESIGN/CONSTRUCTION INSPECTION?

DOTD **does not** perform design or construction inspection on Port Priority or Statewide Flood Control Program projects. It is the LPA's or their appointed representative's responsibility to perform such services. Their registered professional engineer shall certify that the contractor is constructing the project with specified materials in accordance with the project plans and specifications for state funded projects. The

DOTD District Project Coordinator shall review work shown on partial payment requests for Port Priority and non-federal Statewide Flood Control projects.

HOW ARE CONSULTANTS CHOSEN?

For state funded projects, the LPA pays all design costs. The project design may start at anytime. Since they are not being reimbursed for design, they may choose the consultants for the project and negotiate the consultant fees without DOTD. However, they are prohibited from selecting or approving any consultant or sub-consultant who is on DOTD's disbarred or disqualified list or who has been debarred. (List may be found at www.dotd.la.gov, then clicking on the following: Doing Inside LaDOTD / Divisions / Engineering / Consultant Contract Services) They are also responsible for any contract costs attributable to the errors or omissions of their consultants or sub-consultants.

For Statewide Flood Control Projects with federal funds, the Corps typically provides the design. For projects wherein the Corps is unable to provide the design, the consultant selections will be done in cooperation with the Corps.

NOTE: At NO time should ANY project phase wherein the LPA expects reimbursement start before written authorization is provided by DOTD.

WHEN MAY THE DESIGN START?

If there are no reimbursable funds in the design, the design may begin at any time for state funded projects. On Statewide Flood Control projects with federal funds requiring consultants, design may not begin without Corps participation.

SHOULD I ATTEND THE KICKOFF MEETING?

For Port Priority and non-federal Statewide Flood Control projects, the LPA is responsible for the kickoff meeting.

Stage 1

PLANNING / ENVIRONMENTAL

WHAT IS ENVIRONMENTAL CLEARANCE?

For Port Priority and Statewide Flood Control projects, an assessment of the environmental effects anticipated as a result of the proposed project during construction and upon completion of construction is included in the application. Detailed environmental assessments may be required. Parameters that must be discussed include, but are not limited to: water quality, habitat modifications, fish and wildlife resources, cultural, historical, and archeological features.

Note: Please see Stage 1 answer above for more information on environmental clearance.

Stage 3

FINAL DESIGN PROCESS

WHAT IS THE ROLE OF THE DOTD PROJECT MANAGER?

The role of the project manager is to be the DOTD point of contact from application submittal through project completion.

WHAT IS THE PROCESS FOR LARGE CHANGES IN SCOPE OR BUDGET?

Any significant changes to the approved project scope or budget must be submitted to the DOTD Program Manager for approval.

WHAT IS THE PROJECT DELIVERY PROCESS?

The Procedures Manual lists all required project submittals, including agreement, plan development, resolutions, advertising and bidding, contract documents, construction administration, operation and maintenance, and audits. Consultants requiring use of standard DOTD plans should be registered with DOTD on ProjectWise. Contact the DOTD Program Manager to receive registration procedures.

WHAT ABOUT THE PLAN FORMAT?

LPA Manual for Accessing Federal & State Transportation Funds *FAQ's for Local Public Agencies*

All plans and specifications for Port Priority and non-federal Statewide Flood Control shall be in the DOTD format regardless of type. See answer above for FHWA funded programs for specifics on DOTD format.

Statewide Flood Control projects with federal funds shall follow Corps standards for plans and specifications.

WHAT IS NEEDED FOR PRELIMINARY PLANS?

Preliminary plans and specifications submitted to DOTD are reviewed for verification: 1) meeting application scope, 2) proper format is followed, 3) determination that all items are eligible for state participation, and 4) plans clearly indicate the work to be done and provide fair way to compensate contractor.

On Statewide Flood Control projects, Project Development Meetings and site visits are scheduled to review the preliminary plans. On Statewide Flood Control projects with federal funds, the **LPA** will submit preliminary plans (supplied by the Corps) to DOTD for review.

WHAT IS NEEDED FOR ADVANCED CHECK PRINTS (ACPS)?

ACPs are plans considered completed for review. This submittal should include copies of the plans, specifications, and cost estimate. These documents are forwarded to other DOTD personnel for review. Upon determination that ACPs meet program requirements, DOTD will advise the LPA on advertising procedures.

WHAT SHOULD THE SPECIFICATIONS LOOK LIKE?

The **final bid documents shall be prepared** according to the Entity-State Agreement based on the final plans and bid items used. The LPA or its consultant should create the specification document using standard Trns*port pay items to the greatest extent possible. **Note:** For detailed information on specifications, see the answer above for FHWA funded programs.

LPA Manual for Accessing Federal &
State Transportation Funds
FAQ's for Local Public Agencies

WHAT ARE THE BASIC GUIDELINES FOR EACH PROJECT TYPE?

On Statewide Flood Control projects with federal funds, the agreement between the LPA and the Corps will reference project guidelines.

Permits

WHAT PERMITS DO I NEED?

The LPA is responsible for obtaining all necessary permits for state funded projects. Parties responsible for obtaining permits will obtain them in accordance with the agreement with Corps for Statewide Flood Control projects with federal funds.

WHAT ARE SOME COMMON PERMITS?

Please see the Stage 1 Manual for a list of common permits needed for transportation projects. This is located on the DOTD website at Inside LaDOTD / Divisions / Engineering / Environmental / Stage 1 Manual of Practice beginning on page 7-40. Any questions can be directed to the project manager.

WHEN DO I NEED TO GET THESE PERMITS?

All permits should be acquired prior to advertising and bidding.

Right-of-Way

WHAT ABOUT THE RIGHT OF WAY?

Before letting of the project, the LPA is required to acquire all rights-of-ways, servitudes, easements, and agreements to relocate and/or adjust utilities. They are responsible for

LPA Manual for Accessing Federal &
State Transportation Funds
FAQ's for Local Public Agencies

adopting a resolution verifying these have been acquired and submit to DOTD prior to advertising.

WHAT ABOUT PUBLICALLY OWNED LAND?

It is the LPA's responsibility to secure the agreement with the land owner for the project.

WHAT ABOUT PRIVATELY OWNED LAND?

The LPA is responsible for obtaining the necessary rights-of-ways, servitudes, and/or easements. The property owner may donate the land to them.

WHO IS RESPONSIBLE FOR COORDINATING WITH UTILITY COMPANIES?

The LPA is responsible for transmitting plans to the utility companies during all phases of the project. They are responsible for coordinating any utility relocations and providing all documentation.

WHAT IF I HAVE UTILITY RELOCATIONS?

Both programs require utility relocations to be the responsibility of the LPA and require the affected utilities to be relocated prior to letting. For Statewide Flood Control Projects, utility conflicts will be discussed at the Project Development Meeting (PDM) held to review the plans and specifications. Many problems in construction are a result of utility issues.

Stage 4

LETTING

WHAT IS MY LAST STEP BEFORE LETTING?

Prior to letting, the LPA shall submit to DOTD:

1. Resolution indicating all permits, rights-of-ways, servitudes, easements, and agreements to relocate and/or adjust utilities have been acquired
2. Letter requesting permission to advertise and reaffirmation of availability of LPA's matching funds
3. LPA's engineer's certificate that plans, specifications, and cost estimates are complete and have been developed in accordance with the application and program requirements (for state funded projects only).

WHO ADVERTISES THE PROJECTS FOR LETTING?

The LPA will advertise and let (award contract) on the Port Priority and non-federal Statewide Flood Control projects upon approval by DOTD. The Corps will advertise and let (award contract) Statewide Flood Control projects with federal funds.

WHAT IF AN ADDENDUM IS NEEDED?

A copy of all addenda (revisions to the plans or specifications) shall be sent to DOTD per the submittal process listed in procedures manual.

WHAT HAPPENS AFTER BIDDING?

LPA Manual for Accessing Federal &
State Transportation Funds
FAQ's for Local Public Agencies

The LPA shall submit certification to DOTD that all procedures were in accordance with LRS 38:2211, et seq. They and/or the Corps shall provide a written request for DOTD to review and comment on bid documents, tabulations, engineer's recommendation and adopted resolutions. Prior to issuance of the Notice to Proceed (NTP), they shall provide contract documents in accordance with LRS 38:2216, 38:2217, 38:2219 to 38:2225 to the DOTD Program Manager and the DOTD District Project Coordinator for projects with state funds. On Statewide Flood Control projects with federal funds, they shall submit the contract documents (supplied by the Corps) to DOTD for approval prior to issuance of Notice to Proceed.

WHAT PAPERWORK IS REQUIRED PRIOR TO CONSTRUCTION?

The LPA shall have the original contract and bonds recorded in the Clerk of Court's office of the parish where the work is being performed and forward the recordation data to DOTD. They shall provide a copy of the contractor's anticipated cash flow requirements and the NTP to DOTD.

Please be aware that failure to comply with construction paperwork requirements will cause reimbursement of construction costs to be either delayed or (in severe cases) withheld. It is also recommended that the DOTD District Project Coordinator be included in pre-construction meetings.

Stage 5

CONSTRUCTION

WHO PROVIDES CONSTRUCTION INSPECTION?

Inspection of the constructed work shall be directed by a Louisiana licensed to practice Registered Professional Engineer chosen by the LPA. The LPA shall insure appointment of a resident project representative/ inspector to inspect the constructed work and who will be under the direct supervision of the engineer. The engineer shall certify that the contractor is constructing the project with specified materials in accordance with the plans and specifications an accepted construction practices.

The Corps will provide construction inspection for Statewide Flood Control projects with federal funds.

WHO IS THE DOTD CONTACT DURING CONSTRUCTION?

When the project begins the construction phase, the main contact will be the DOTD Program Manager. The DOTD District Project Coordinator will be available for monthly verification of payment requests for Port Priority and non-federal Statewide Flood Control projects.

WILL THE DISTRICT PROJECT COORDINATOR BE GIVING THE PROJECT ENGINEER INSTRUCTIONS AND TELLING HIM/HER WHAT TO DO AND HOW TO RUN THE JOB?

NO!!! The LPA's engineer is responsible for running the projects with state funding. The Statewide Flood Control projects with federal funds will be run by the Corps.

WHEN DO I NEED TO FIRST MEET WITH THE DISTRICT PROJECT COORDINATOR?

LPA Manual for Accessing Federal &
State Transportation Funds
FAQ's for Local Public Agencies

Meet with him/her before the pre-construction conference. The engineer should schedule a meeting with the DOTD District Project Coordinator to review the paperwork required for partial estimates, final estimates, and change orders (plan changes). Documentation will follow the DOTD program procedure manuals.

ARE SAMPLING AND TESTING PROCEDURES REQUIRED FOR MY PROJECT?

Yes. Unless otherwise stated in the contract specifications, all sampling and testing must be done by an independent Testing Laboratory selected and paid for by the LPA. All testing shall be done in accordance with the Standard Specifications of the American concrete Institute (ACI), the American Society of Testing Material (ASTM E329-93b, et seq) and/or DOTD Standard testing Procedures. Certified test reports must be kept on file in accordance with the program procedures manual.

Statewide Flood Control projects with federal funds shall follow testing procedures as stipulated in the agreement between the LPA and the Corps.

DO DOTD SPECIFICATIONS APPLY TO THE PROJECT?

Yes. Unless otherwise stated in the contract specifications, the project will have to be built in accordance with the latest version of the Louisiana Standard Specifications for Roads and Bridges. Statewide Flood Control projects with federal funds shall follow contact specifications per agreement between the LPA and the Corps.

WHO REVIEWS SHOP DRAWINGS?

Shop drawings and submittals are to be reviewed and approved by the engineer. DOTD will be available for consultation, but will not accept approval responsibility. The Corps will complete these reviews for Statewide Flood Control projects with federal funds.

Change Orders

LPA Manual for Accessing Federal &
State Transportation Funds
FAQ's for Local Public Agencies

WHEN DOES A CHANGE ORDER (PLAN CHANGE) HAVE TO BE INITIATED?

A change order should be initiated any time it is necessary to deviate from the contract time or price.

WHO WRITES THE CHANGE ORDERS?

The LPA's engineering writes and submits change order requests to DOTD prior to authorizing the contractor to perform any work. The maximum state share shall be as stated in the DOTD letter announcing any change in project funding. All costs overruns shall be the LPA's responsibility.

Reimbursement

HOW IS THE CONTRACTOR PAID?

Payment of the contractor is the LPA's responsibility. **Remember this is not a grant; it is a cost-reimbursable, "pay-as-you-go" program. This means the LPA pays first; then DOTD will reimburse them the appropriate percentage. The contract is between them and the contractor. DOTD is not a party to the contract. Therefore, any calls by the contractor to DOTD regarding payment of invoices will be directed back to them.** All supporting paperwork required by DOTD must be supplied before a pay request may be processed.

Change Orders must be submitted to DOTD for review and concurrence, even if they pay for the entire plan change. Any extra work done prior to DOTD's concurrence may result in the LPA being 100% responsible for pay. **Complete records must be kept for auditing purposes.**

WHAT IS NEEDED TO GET REIMBURSED BY DOTD?

LPA Manual for Accessing Federal & State Transportation Funds *FAQ's for Local Public Agencies*

The LPA needs to do the following things in the format stipulated in the program procedures manual:

1. A detailed estimate should be prepared (by the engineer) showing the different items to be paid and the quantity and dollar amount for each item. The LPA's engineer should provide an engineer's certificate.
2. Invoices and associated documents for stockpiled material should be provided.
3. All of the above will need to be given to the DOTD Coordinator for field verification.

After the construction contract is executed for Statewide Flood Control projects with federal funding, the Corps will estimate the amount of funds necessary for the remaining fiscal year and will advise the LPA and DOTD. Said funds will be broken down into federal and non-federal. The state share will be reimbursed to them when requested with appropriate documentation.

WHAT IS THE DISTRICT PROJECT COORDINATOR'S ROLE IN REIMBURSEMENT?

He/she will provide field verification of work for monthly payment requests.

HOW LONG DOES IT TAKE TO GET REIMBURSED AFTER THE DISTRICT PROJECT COORDINATOR SENDS THE INFORMATION TO DOTD'S PROGRAM MANAGER?

If the paperwork is in order and money is in the account, the check can be on its way in one to two weeks. If there are any problems or the required paperwork is not submitted, then it can take much longer. For Statewide Flood Control projects with federal funds, reimbursement schedules will be developed by the Corps.

Paperwork

RECORD KEEPING

On Port Priority and non-federal Statewide Flood Control projects, the LPA shall maintain all documents, papers, files, field books, material test reports, accounting records, appropriate financial records, and other evidence pertaining to cost incurred for the project. They shall also make such materials available for inspection at all reasonable times during the project, and for a three-year period from the date of the last and final payment of the last complete phase of the project.

RECORDATION

Forty-five days after the Recordation of Project Acceptance the contractor shall submit to the LPA a Clear Lien Certificate from the Recorder's office of the parish or parishes in which the work was performed. They shall provide certified copies of these to the DOTD program manager.

AT THE END OF THE PROJECT, WHAT INFORMATION NEEDS TO BE SUBMITTED TO DOTD?

The required information is documented in the program procedures manual. The following is required documentation:

- a. Certificate by the LPA's engineer that the work is complete and a recommendation of acceptance (Substantial Completion).
- b. A Resolution by the LPA accepting the work.
- c. A certified copy of the Recordation of Acceptance.
- d. A certified copy of the Clear Lien Certificate.
- e. A set of "As-built" plans with the professional engineer's stamp.
- f. A copy of the Operation and Maintenance Manual

LPA Manual for Accessing Federal &
State Transportation Funds
FAQ's for Local Public Agencies

- g. A final payment request and balancing change order.

The Port Priority Program requires the **LPA** to develop and submit to DOTD a report comparing actual benefits derived from the project with the projected benefits as stated in the application. This monitoring report must be developed in accordance with program requirements for each of the five years immediately following completion of the project.

OPERATION AND MAINTENANCE

Both programs require that the **LPA** agrees to operate and maintain the project for a minimum of three years in accordance with an Operation and Maintenance Manual approved by DOTD. Noncompliance may cause them to be ineligible for funding of subsequent projects funded by the program.

WHAT HAPPENS IF THE INFORMATION REQUIRED AT THE END OF THE JOB IS NOT SUPPLIED?

Again, the LPA is responsible to see that these records are supplied. Should the required records not be supplied, DOTD will be required to withhold the remaining retainage. **THIS DOCUMENTATION IS REQUIRED, NOT OPTIONAL.**

DOES DOTD HAVE TO BE PRESENT FOR THE FINAL INSPECTION?

To be official the DOTD Program Manager and District Project Coordinator must attend the final inspection.